

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of:

Application No.:	10/575,079	Examiner:	Justin V. Lewis
Filing Date:	January 24, 2007	Art Unit:	3725
First Inventor:	Gerhard SCHWENK et al.	Customer No.:	23364
Attorney No.:	SCHW3006/JEK	Confirmation No.:	8639
For:	VALUE DOCUMENT		

APPLICANT'S STATEMENT OF SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's undersigned representative conducted a personal interview with Examiner Lewis and the Supervisory Primary Examiner Dana Ross on April 29, 2010 following submission of a proposed agenda in advance of the conference by Applicant's representative. A copy of the agenda was attached to the examiner's Interview Summary mailed May 17, 2010. During the conference, the claims with the proposed amendments submitted for discussion at the interview were discussed, with the qualification that Applicant's representative intended to omit the element in claim 1 reciting: "that is visible to the naked eye", at least at this stage of the examination process. Agreement was reached that prior art consisting of U.S. 2004/0084266 (Blair); U.S. 5,259,907 (Soules); U.S. 4,455,039 (Weitzen); and U.S. 6,506,476 (Kaule) did not anticipate or render obvious the claims as amended, particularly in view of the amendment to the claims reciting that the complex spectral distribution provided by its spectral characteristics a coding "by the form of the emission and/or excitation spectra of the mixture."

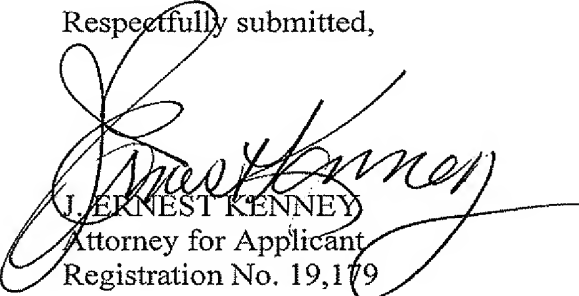
The examiner's summary of the interview notes that the Applicant's representative used potentially offensive/inflammatory language during the course of the interview, referring to the examiner's rejection as "weasel words."

Applicant's representative categorically denies having uttered any such statement or words to that effect. Applicant's representative is unaware of any basis on which the examiner could make such a statement with regard to the conduct of Applicant's representative. Indeed, a telephone call by Applicant's representative to Supervisory Primary Examiner Dana Ross confirmed that Applicant's representative made no such utterance that she could recall.

It is possible that the examiner confused certain words used by Applicant's representative referring to the prior art document Weitzen with the word "weasel", but Applicant's representative has no recollection whatsoever of using language from which the examiner could infer that the examiner's rejection was constituted of "weasel words". Apart from this possibility, Applicant's representative is at a loss of understanding the basis for the examiner's remarks, and denies having uttered same.

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Respectfully submitted,


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